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August 6, 1991

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: MM Docket 91-10
JEM Productions Limited Partnership
Baldwin, Florida

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AUG - 6 1991

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Searcy:

Transmitted herewith on behalf of JEM Productions Limited Partnership is an original and six copies of a Partial Opposition To Notification Of Witnesses To Be Cross-Examined. This Partial Opposition is being directed to Administrative Law Judge Edward Luton.

Please contact the undersigned if any questions should arise regarding this matter.

Sincerely,


Avelino G. Halagao
Counsel to JEM Productions Limited Partnership

Enclosures:

cc: As per Certificate of Service

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of

WHITE BROADCASTING PARTNERSHIP

et al.

For Construction Permit for
a New FM Station on Channel
289A in Baldwin Florida

To: Honorable Edward Luton
Administrative Law Judge

) MM Docket No. 91-10

) File No. BPH891214MM

) et seq.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Partial Opposition To Notification Of Witnesses To Be Cross-Examined

JEM Productions Limited Partnership ("JEM") in partial opposition to witness notification submitted by Peaches Broadcasting, Ltd. ("Peaches") on July 29, 1991 respectfully requests that Robin Rothschild, George A. Enuton, and Salvador A. Serrano not be required to appear for Cross-examination in the hearing scheduled on August 20, 1991 for the following reasons:

1. The testimonies of Robin Rothschild, George A. Enuton and Salvador A. Serrano are irrelevant and immaterial;

2. Paragraph 8 of the Hearing Designation Order (HDO) for this proceeding released February 11, 1991 decreed that "the applicants are qualified to construct and operate as proposed" (underscoring supplied). This being so, all the applicants, including JEM, have passed the "hard-look test" and been declared financially and legally qualified.

3. Paragraph 9 of the said HDO designated hazard to air navigation¹ and comparative issues for hearing. This means that in so far as the comparative issue is concerned, the hearing will be limited to the

¹ This issue is not against JEM.

integration proposal and qualitative enhancement factors.

4. Peaches intends to cross-examine the three above-mentioned individuals because it is questioning the bona fides of the partnership. In support thereof, Peaches cited the Playa Del Sol Broadcasters case where Administrative Law Judge, Arthur Steinberg added real parties-in-interest and legal structure issues against Valdovino Broadcasting Limited Partnership (See Exhibit 6 of Peaches' Notification of Witnesses).

5. JEM submits that Judge Steinberg's action cannot be used as a basis to call the three individuals mentioned above for cross-examination. Moreover, Robin Rothschild assigned her entire ownership interest in JEM to Joyce Morgan and Peter Knobel on May 3, 1991. (Attached Exhibits 1 and 2). Therefore, Ms. Rothschild is no longer a party to the application. Furthermore, no issues are added to bring to question the bona fides of the partnership. It is the position of JEM that unless and until issues are added questioning the legal structure of the partnership, then the testimonies of the three individuals sought to be cross-examined have no bearing on the issues designated.

WHEREFORE, it is respectfully requested that the Partial Opposition be granted thereby eliminating the need for Robin Rothschild, George A. Enuton and Salvador A. Serrano to appear for cross-examination at the hearing.

Respectfully Submitted,

JEM PRODUCTIONS LIMITED PARTNERSHIP

By: 

Avelino G. Halagao

AVELINO G. HALAGAO & ASSOCIATES
Suite 900
Falls Church, Virginia 22043
(703) 847-6803

Its Attorneys

August 6, 1991

EXHIBIT 1

ASSIGNMENT OF PARTNERSHIP INTEREST

Atlantic-Pacific Broadcasting, Inc., a Delaware corporation ("Atlantic-Pacific") hereby assigns all of its right, title and interest in and to 75% of its limited partnership interest in JEM Productions, L.P. to Joyce E. Morgan, General Partner, its successors and assigns, forever.

Atlantic-Pacific Broadcasting, Inc.

By: Robin Rothschild
Robin Rothschild, President
5-3-91

EXHIBIT 2

ASSIGNMENT OF PARTNERSHIP INTEREST

Atlantic-Pacific Broadcasting, Inc., a Delaware corporation ("Atlantic-Pacific") hereby assigns all of its right, title and interest in and to 25% of its limited partnership interest in JEM Productions, L.P. to Beylen Communications, Inc., its successors and assigns, forever.

Atlantic-Pacific Broadcasting, Inc.

By:

Robin Rothschild
Robin Rothschild, President

5-3-91

CERTIFICATE OF SERVICE

I, Avelino G. Halagao, counsel for JEM Productions, Limited Partnership hereby certify that on the 6th day of August, 1991, true copies of the foregoing "PARTIAL OPPOSITION TO NOTIFICATION OF WITNESSES TO BE CROSS-EXAMINED" was mailed by U.S. First Class, postage prepaid, to the following:

Honorable Edward Luton*
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554

Paulette Laden, Esq.*
Hearing Branch
Federal Communications Commission
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Avelino G. Halagao

* Hand-Delivered